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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/810,452

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Robert B. Sautter

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02/22/2005

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EXAMINER

TON, DANG T

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/810,452	Applicant(s) SAUTTER ET AL.	
	Examiner DANG T TON	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-29 and 33-37 is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-14, 16 and 30-32 is/are rejected.
- 7) ☒ Claim(s) 10, 11, and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/19/01</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The disclosure is objected to 37 C.F.R 1.75 because of the following informalities:

Applicant should provide a status of the copending application serial number 08/950,158 recited in page 1 of the specification.

Appropriate correction is required.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4, 7-9 , and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Le Boudec et al. (5,517,497) .

For claims 1,2,4, 7-9, and 30-32, Le Boudec et al. disclose connectionless ATM data services comprising :

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a message field containing message information (see cell header in figure 2B); and

a plurality of addresses identifying a plurality of destination nodes in the plurality of interconnected communication networks (see destination switch node in figure 3);

further comprising an originator's address identifying an originator of the message information (see ATM cell header in figure 2);

further comprising a precedence indicator indicating a level of priority for scheduling transmission of the message information across the interconnected networks (see column 3 line 49);

wherein at least one of the plurality of addresses comprises a home network identifier (see SI switching node ID) and an identifier of a terminal device within the home network (see port ID in destination switch node in figure 3);

further comprising an extended network identifier for the at least one of the plurality of addresses, identifying a network other than the home network to which to send the message information to the terminal (see port ID in destination switch node in figure 3);

further comprising an extended address indicator indicating whether the at least one of the plurality of addresses has an extended network identifier (see port ID in destination switch node in figure 3);

a message generation device generating a message for delivery to a plurality of destination terminals in the interconnected networks (see frame information in figure 2B);

a network interface device (see user I/O in figure 4) coupled to the message generation device, and in response to receiving the message, generating a transmission frame having a message and a header containing addresses of the plurality of destination terminals (see cell header in figure 2B);

a transmitter coupled to the network interface device, transmitting the transmission frame to a communication node in one of the interconnected networks for routing to the destination terminals(see user terminals in figure 1);

generating a message for delivery to the terminals (see message in frame of figure 2B);

generating a header containing a plurality of addresses of the terminals (see cell header in figure 2B) ;

transmitting a transmission frame including the header and the message to a

communication node among the plurality of communications networks for routing to the addressed terminals (see transmission frame in figure 2B); and

wherein generating the header includes generating one of the plurality of addresses having a basic address identifying a terminal within one of the plurality of interconnected networks, and an extended address identifying the one the plurality of interconnected networks containing the terminal (see switching node ID and port ID in destination switch node in figure 3).

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,5,6,12-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Boudec et al. in view of Hong et al. (6,466,608).

For claims 3,5,6,12-14, and 16, Le Boudec et al. disclose all the subject matter of the claimed invention with the exception of number hop indicator indicating number of transmission of the message across the interconnections network . Hong et al. from the same or similar fields of endeavor teaches a provision of nodes being identified which channel and frequency, hop number, in the network (see column 6 lines 51-52). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the number hop indicator indicating number of transmission of the message across the interconnections network invention as taught by Hong et al. in the communications network of Le Boudec .

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The number hop indicator indicating number of transmission of the message across the interconnections network can be implemented/modified into the network of Le Boudec since Le Boudec does teach hopping . The motivation for using number hop indicator indicating number of transmission of the message across the interconnections network e as taught by Hong et al. into the communications network of Le Boudec being that it provides much higher utilizations while maintaining the guaranteed QoS.

8. Claims 17-29 and 33-37 are allowed.

9. Claims 10,11, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sautter et al. (6,233,248) and Williams (5,559,883) are all cited to show systems which are considered pertinent to the claimed invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T TON whose telephone number is 571-272-3171. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Ton



DANG TON
PRIMARY EXAMINER